IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.23832 of 2006

Dated: November 20, 2006

Between:

M. Padmasree, W/o. Muthyalaiah, aged 42 years,
Staff Nurse, Visakha Steel General Hospital,
Visakhapatnam Steel Plant, Vizag.

… Petitioner

And

Chairman-cum-Managing Director, Visakhapatnam
Steel Plant, Visakhapatnam, and others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of respondents 1 and 2 in violating the policy of promotion to
non-unionized supervisory cadre and executive cadre Rules as arbitrary and illegal.

2. Petitioner who has done her B.Sc. (Nursing) was initially appointed as Junior Nurse in Visakha Steel General Hospital in the year 1989 in L.3 Grade. She was subsequently promoted to L.4, L.5,

and L.6 Grades and is presently working as Staff Nurse, which is an L.7 Grade. Her case is that as per the policy of promotion to the post of Junior Officer in the category of L.8, for a candidate to be considered to the said post, one has to put in minimum service of five years in L.7 Grade. Her grievance is that though respondents 3 to 11 do not possess 'Degree' qualification, unlike her, they were called to attend written test conducted to the post of Junior Officer, overlooking her.

3. Heard learned counsel for the petitioner and Mr. Ravinder Rao, learned Standing Counsel appearing for respondents 1 and 2.

4. Even according to the averments of the petitioner in the affidavit filed in support of the Writ Petition, petitioner was promoted to the post of Staff Nurse, an L.7 Grade, in the year 2005. Admittedly, as per the policy of promotion to the post of Junior Officer in the category of L.8, for a candidate to be considered to the said post, one has to put in minimum service of five years in L.7 Grade. As per the said policy, petitioner is not eligible for getting promoted to the post of Junior Officer. With regard to the contention of the petitioner that respondents 3 to 11 are not graduates and hence they are not eligible to be appointed as Junior Officers, it is to be seen that as per the qualification prescribed in the promotion policy, even diploma holders are eligible to be promoted to the post of Junior Officer. Furthermore, respondents 3 to 11 have not been appointed to the post of Junior Officer yet and at the instance of the petitioner, who is admittedly not qualified for promotion to the post of Junior Officer, promotion process cannot be interfered with at this stage.

5. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

November 20, 2006
MRR